

AMENDED IN ASSEMBLY APRIL 13, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1937**

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**Introduced by Assembly Member Fletcher**  
**(Principal coauthor: Assembly Member Galgiani)**

February 17, 2010

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An act to amend Section 49403 of the Education Code, relating to pupil health.

LEGISLATIVE COUNSEL'S DIGEST

AB 1937, as amended, Fletcher. Pupil health: immunizations.

Existing law requires the governing board of a school district to cooperate with the local health officer in measures necessary for the prevention and control of communicable diseases in schoolage children, and authorizes the board to permit a licensed physician and surgeon or a licensed registered nurse acting under the direction of a supervising physician and surgeon to administer an immunizing agent to a pupil whose parents have consented, as specified.

This bill would also authorize a school district to permit any other licensed health care practitioner who is acting under the direction of a supervising physician and surgeon and whose license or certificate authorizes the holder to administer an immunizing agent, to administer ~~an~~ *certain immunizing-agent agents* to those pupils. The bill would *make the authorization of registered nurses and other authorized health care practitioners to administer immunizing agents contingent upon notification of the school nurse, who would maintain control as necessary in accordance with his or her duties as supervisor of health. The bill would also make other technical changes.*

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 49403 of the Education Code is amended  
2     to read:  
3     49403. (a) Notwithstanding any other law, the governing board  
4     of a school district shall cooperate with the local health officer in  
5     measures necessary for the prevention and control of communicable  
6     diseases in schoolage children. For that purpose, the board may  
7     use any funds, property, and personnel of the district, and may  
8     permit a licensed physician and surgeon or any other health care  
9     practitioner who is acting under the direction of a supervising  
10    physician and surgeon and is either licensed as a registered nurse  
11    or holds a license or certificate that authorizes the holder to  
12    administer an immunizing agent, to administer an immunizing  
13    agent to a pupil whose parent or guardian has consented in writing  
14    to the administration of the immunizing agent.  
15    (b) A registered nurse or other authorized health care  
16    practitioner, acting under the direction of a supervising physician  
17    and surgeon, may perform immunization techniques within the  
18    course of a school immunization program provided that the  
19    *following requirements are met:*  
20    (1) *The* administration of an immunizing agent is upon the  
21    standing orders of a supervising physician and surgeon and in  
22    accordance with any written regulations that the State Department  
23    of ~~Health Care Services~~ *Public Health* may adopt.  
24    (2) *The school nurse is notified and he or she maintains control,*  
25    *as necessary, as supervisor of health in accordance with Sections*  
26    *44871, 44877, 49422, and subdivision (a) of Section 44926.*  
27    ~~“Supervising physician and surgeon,” as used in this section,~~  
28    (c) *As used in this section, “supervising physician and surgeon”*  
29    means the physician and surgeon of the local health department  
30    or school district that is directing the school immunization program.  
31    ~~(e)~~  
32    (d) While nothing in this section shall be construed to require  
33    the physical presence of the supervising physician and surgeon,  
34    the supervising physician and surgeon shall require a nurse or other

1 health care practitioner under his or her direction to do both of the  
2 following:

3 (1) Satisfactorily demonstrate competence in the administration  
4 of the immunizing agent, including knowledge of all indications  
5 and contraindications for the administration of the agent, and the  
6 recognition and treatment of emergency reactions to the agent that  
7 constitute a danger to the health or life of the person receiving the  
8 immunization.

9 (2) Possess the medications and equipment that are required, in  
10 the medical judgment of the supervising physician and surgeon,  
11 to treat any emergency conditions and reactions caused by the  
12 immunizing agents that constitute a danger to the health or life of  
13 the person receiving the immunization, and to demonstrate the  
14 ability to administer the medications and use the equipment as  
15 necessary.

16 *(e) A health care practitioner who is not a registered nurse and*  
17 *is authorized to perform immunizations under the direction of a*  
18 *supervising physician and surgeon pursuant to this section may*  
19 *only administer immunizations that control any of the following:*

20 *(1) Annual seasonal influenza.*

21 *(2) Influenza pandemic episodes.*

22 *(3) Other diseases that represent a current or potential outbreak,*  
23 *as declared by a local, state, or federal public health officer.*